

## **SJR 35 STUDY GROUP – WRITTEN COMMENTS & QUESTIONS**

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OCT 12, '05 MEETING, Submitted by Jennie Meinershagen

### A. Types of board; title or title/practice?

- a. Practice licensing better protects the public. However, if state law does not support the practice of the profession then there are no legal teeth. Municipal, county and state codes should be considered for review as to what type of license is required for certain types of services.
- b. Excerpted from ASLA letter regarding Title/Practice Act: 'Montana's licensure laws are similar to those in most states. The practice act is not a rigid exclusive right to practice, but instead a framework through which the state is obligated to regulate a profession that, through malpractice, has the potential to harm the public. There are exemptions provided even in the health professions, where there is little doubt that the state has a stake in restricting access to only qualified individuals. The State of Montana has the obligation to enforce its practice act both by defending its licensees' right to practice (*landscape architecture*) and by taking action against any unlicensed individuals practicing (*landscape architecture*).' This statement can be applied to any licensed profession/occupation.

### B. Membership composition?

### C. Can changes be made to improve administrative attachment? – Possibly, but first a better understanding of what is in place will be beneficial.

- a. Define the relationship between and the roles of the board members and the department:
- b. Clarify the difference between the 'board' and the 'department'.
- c. Is there an agreement between the department and the professional board members to work together to improve and modify functions as needed?
- d. Improve the understanding of staff responsibilities by non-department persons, board members and licensees.
- e. Explain the role that the board has in determining the annual budget. What control does the board have over the expenses, operation methods and budgeting? Establish accounting and operational procedures that are consistent and do not change without serious review and consideration of the anticipated impacts. Allow board participation in determining what information is useful and what format for reporting to the board is most beneficial.
- f. Evaluate the application of methodologies across all boards and recognize and accommodate the differences in actual needs.

For general information purposes the presentation by the Legislative Auditor's Office could include information on the various effects of SJR 35 on the state boards. This will help understand the relative impacts of the changes. A comparison of financial status; annual dues and annual income/expense totals for the last three years (05, 04, 03) would give a relative view of the impacts of SJR 35.

Also, some case examples from various boards about successes in protecting the public health, safety and welfare in the recent past would be informative.

I expect that there are statutes that may require revision.

Continuing Education is important. Most professional organizations provide CE opportunities. The state department may keep records of CE units earned and required for license renewal but they would not need to provide the CE program. It is the responsibility of each licensee to know of and participate in these CE opportunities.

